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Part IV

Environmental Protection Agency

Friable Asbestos-Containing Materials in Schools; Identification and Notification

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS 61004B; TSH-FRL 2064-3]

Asbestos; Friable Asbestos-Containing Materials in Schools; Identification and Notification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA issues this rule to reduce risks to human health from exposure to asbestos-containing materials in school buildings. The rule requires public and private elementary and secondary schools in the United States to identify friable asbestos-containing building materials, maintain records and notify employees of the location of the friable materials which contain asbestos, provide the employees with instructions on reducing exposures to asbestos, and notify the School's parent-teacher association of the inspection results. School districts are encouraged to consult with EPA Regional Asbestos Coordinators when complying with the rule and, where asbestos-containing materials are found, to consult with EPA regarding corrective actions. A school that has already inspected, sampled, and analyzed the friable asbestos-containing material according to the procedures in this regulation need only comply with the recordkeeping and notification provisions of the rule. Schools that determined that they contain no friable asbestos-containing materials prior to the effective date of this rule, need only certify these results and retain the certification statement in their files. Schools need not repeat sampling and analysis under any circumstances.

DATES: This rule becomes effective June 28, 1982. Local education agencies must comply with all portions of this rule by May 27, 1983.

ADDRESS: The public record for this rulemaking is located at Rm. E-107, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, and is open to the public from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St. SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

EPA has prepared several major support documents for this rule. These documents have been added to the rulemaking record. Copies may be obtained by calling EPA at the telephone numbers given above.

SUPPLEMENTARY INFORMATION: OMB Control Number: (2000-0463).

I. Introduction

The purpose of this rule is to protect users of school buildings from unwitting exposure to concentrations of airborne asbestos which occurs when friable asbestos-containing materials are damaged or disturbed. Compliance with this rule will both ensure that these materials are identified and that school users are notified of their presence so that they can prevent or reduce release of asbestos. This rule is needed because many school districts have not responded adequately to EPA's effort under the Technical Assistance Program (TAP) to encourage schools to identify these materials and notify employees of their presence.

Each local education agency is required to: (1) Inspect all areas of each school building within the agency for friable materials applied to structural surfaces in the building; (2) Take at least three samples of each distinct type of friable material found; and (3) Have those samples analyzed for their asbestos content using polarized light microscopy augmented by x-ray diffraction if necessary. Each local education agency shall also keep a record of the findings of all inspections, sampling, and analyses conducted in accordance with this rule.

After inspection, sampling and analysis have been completed, if a school does not have friable asbestos-containing material, no further action is required. However, in a school with friable asbestos-containing materials, the local education agency is required to inform all employees of the location of these materials and to provide each custodial or maintenance employee with a copy of "A Guide For Reducing Asbestos Exposure". See § 763.111 (b) and (c) of the rule (proposed § 763.6(b)). The parent-teacher groups of schools found to contain friable asbestos-containing materials shall be notified of the presence of friable asbestos. The purpose of notification is to inform people where there is a potential problem from the release of friable asbestos fiber in schools. In order to reduce the costs associated with notification, the Agency has decided not to require notification where there are no friable asbestos materials.

Compliance with these requirements will ensure that potentially hazardous materials are identified and that school users are notified of their presence so that they can reduce or prevent the release of asbestos from them. This should eliminate much unnecessary exposure due to lack of knowledge of the presence of asbestos.

Many of the friable asbestos-containing materials in schools do not require abatement or removal. A reasonable effort by school officials to manage the materials can prevent damage to or deterioration of them and the consequent release of asbestos and exposure of school users. This is particularly the case where access to the materials is limited (e.g., material in a boiler room or behind a false ceiling) and the persons using the area can be instructed to avoid contacting or disturbing the material and to take necessary precautions when their jobs require that they work with the material. EPA strongly recommends that, where a local education agency determines that a management program for friable asbestos-containing material is the most appropriate response, the local education agency should institute a program to advise and educate its employees of the need for caution and proper procedures. Such a management program should also include a provision for periodic reevaluation of the material to determine whether the management program has prevented further damage or deterioration.

Some asbestos-containing materials identified when complying with this rule may be determined to require corrective action such as removal, encapsulation with a sealant which improves the cohesive strength of the material, or enclosure behind a barrier to prevent access. EPA has issued guidance both for identifying materials which should be controlled because of greater exposure potential and for procedures to be used when engaging in corrective activities (see "Asbestos-Containing Materials In School Buildings: A Guidance Document," which can be obtained by calling the toll-free number. Supervisors of public school districts and private schools will be automatically sent the Guidance Document and need not call). Chapter 7 of the Guidance Document lists the factors which should be considered when determining whether to take corrective action.

Abatement is often needed whenever the friable asbestos-containing material is visibly damaged and easily accessible or has inherently poor cohesive strength. Material which is separating from the surface to which it is applied, is separating into layers, or is otherwise

heavily damaged should be considered for removal. If damage is due to water, the cause of the damage (e.g., a roof leak) should also be corrected. Again, the amount of asbestos-containing material requiring abatement compared to the total amount of material in school buildings is small.

Local education agencies which desire assistance in determining an appropriate course of action for particular materials should contact the Asbestos Coordinator at the USEPA Regional Office in their area. The addresses and phone numbers of the Asbestos Coordinators are:

EPA Region I

Asbestos Coordinator
Air and Hazardous Materials Division
JFK Federal Bldg.
Boston, MA 02203
(617) 223-0585

EPA Region II

Asbestos Coordinator
Room 1013
Woodbridge Avenue
Edison, NJ 08837
(201) 321-6668

EPA Region III

Asbestos Coordinator
Curtis Building
Sixth and Walnut Streets
Philadelphia, PA 19106
(215) 597-9859, 597-8683

EPA Region IV

Asbestos Coordinator
345 Courtland Street
Atlanta, GA 30365
(404) 881-3864

EPA Region V

Asbestos Coordinator
230 S. Dearborn St.
Chicago, IL 60604
(312) 886-6003

EPA Region VI

Asbestos Coordinator
First Internat'l Bldg.
1201 Elm Street
Dallas, TX 75270
(214) 767-2734

EPA Region VII

Asbestos Coordinator
324 East 11 Street
Room 1500
Kansas City, MO 64106
(816) 374-6538

EPA Region VIII

Asbestos Coordinator
1860 Lincoln Street
Denver, CO 80295
(303) 837-3926

EPA Region IX

Asbestos Coordinator
215 Fremont Street
San Francisco, CA 94105
(415) 974-8123

EPA Region X

Asbestos Coordinator
1200 Sixth Avenue
Seattle, WA 98101 (206) 442-2888.

Although this rule does not require reporting of information to EPA, school districts are encouraged to contact EPA for assistance. EPA has worked closely with many States in providing training and technical assistance to school districts. The Regional Asbestos Coordinator will provide technical recommendations, provide additional State or local asbestos experts for assistance, or, in some cases, be able to provide training to the local education agency on the factors affecting abatement decisions. EPA is extending the compliance period for this rule by six months to ensure that school districts have sufficient time to consult with the Agency, if desired, after finding asbestos in their schools.

A. Background

"Asbestos" refers to a group of hydrated mineral silicates which readily separate into fibers. Asbestos-containing materials have been used widely for fireproofing, thermal and acoustical insulation, and decoration in building construction and renovation. These materials usually were applied by spraying, but also have been trowelled onto overhead surfaces, steel beams, ceilings, walls, furnaces, and pipes.

Asbestos is a known human carcinogen. Extensive epidemiologic evidence demonstrates that inhalation of asbestos can lead to pleural and peritoneal mesothelioma, lung cancer, asbestosis, and other diseases which are serious, irreversible, and often fatal. Asbestos has been responsible for the premature deaths of many persons who worked with the types of insulating materials now found in some schools.

The potential for release of asbestos fibers from asbestos-containing materials depends in part upon the characteristics of the material which contains the asbestos fibers. Soft, crumbly materials tend to release fibers more easily than do hard, cementitious materials. This regulation addresses friable materials, which are defined as all materials that when dry may be crumbled, pulverized, or reduced to powder by hand pressure.

Asbestos fibers are extremely durable, and their size and shape permit them to remain airborne for long periods of time. Fibers become suspended in the air by disturbance of the friable asbestos-containing materials or deterioration causing the material to release fibers, and by resuspension of previously released fibers that have settled onto floors and other surfaces. Resuspension of asbestos fibers that have settled may result from many different activities, including dusting, sweeping, vacuuming, and even ordinary movement in the vicinity of the settled fibers. This process of release and resuspension of asbestos fibers results in continued dispersal of asbestos fibers throughout the building.

B. EPA's Program

EPA issued a Notice of Proposed Rulemaking in the Federal Register of September 17, 1980 (45 FR 61966) regarding the identification of friable asbestos-containing material in schools. EPA held a public hearing on this proposal on November 17, 1980, and has received comments from 63 parties on the proposal. EPA has analyzed and responded to these comments in "Analysis of Comments on the Proposed Rule for Identification and Notification of Friable Asbestos-Containing Materials in Schools" (hereinafter "Analysis of Comments").

EPA's Science Advisory Board (SAB) reviewed the "Support Document—Asbestos-Containing Materials in Schools—Health Effects and Magnitude of Exposure" (hereinafter "the Technical Support Document") which was published with the proposal and which presents EPA's findings on the risk of exposure to asbestos in schools. The SAB met on December 2-3, 1980, to discuss the document with EPA personnel. The SAB found the risk assessment scientifically credible and made several recommendations for improving the document. EPA has considered these recommendations when preparing the final Technical Support Document published with this rule. The transcript of the meeting and a report of the SAB's recommendations with respect to the document have been added to the rulemaking record.

This final rule implements that proposal, which was made after the Agency had operated a Technical Assistance Program (TAP) for 18 months to help school districts identify and correct potential hazards due to asbestos in schools. The TAP continues to provide assistance to schools. In each EPA Regional office, there is a person to respond to inquiries and help school officials locate necessary services. In addition, each EPA region has a technical advisor, hired and trained